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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/511,249	03/24/2005	Christophe Genevois	740612-189	8701
41972 7590 03/11/2010 LAW OFFICES OF STUART J. FRIEDMAN 28930 RIDGE ROAD MT. AIRY, MD 21771				
EXAMINER KIM, EDWARD J				
ART UNIT		PAPER NUMBER		
2455				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/511,249

Applicant(s)

GENEVOIS, CHRISTOPHE

Examiner

EDWARD J. KIM

Art Unit

2455

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 November 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5, 8 and 10 is/are pending in the application.
- 4a) Of the above claim(s) 6, 7 and 9 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5, 8 and 10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB-08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. This office action is in response to the amendment filed on 11/19/2009.
2. Claims 1-5, 8 and 10 are pending in this office action. Claims 6, 7 and 9 have been cancelled by the Applicant. Claims 1 and 8 have been amended.

Response to Arguments

3. Applicant's arguments filed 11/19/2009 have been fully considered but they are not persuasive.

The Applicant argues that the prior arts of record do not disclose the method of acquiring by the conditional access component of a license related to the identified particular preloaded conditional access system. The Specification recites that the end-user acquires the license as originally claimed prior to the amendment (refer to paragraphs [0106]-[0113] of the U.S. Publication of the current Application, U.S. Publication #2005/0165937 A1). Giachetti and Schooneveld disclose these features as disclosed in the Office Action.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

5. Claims 1 and 8 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant

art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

The claims have been amended “acquiring by the conditional access component of a license related to the identified particular preloaded conditional access system” and “means in the conditional access component for acquiring a license for the particular identified preloaded conditional access system”. The Specification recites that the end-user acquires the license as originally claimed prior to the amendment (refer to paragraphs [0106]-[0113] of the U.S. Publication of the current Application, U.S. Publication #2005/0165937 A1). As such, the claimed subject matter was not described in the specification.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1, 2, 4, 5, 8, and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Giachetti et al. (“A Common Conditional Access Interface for Digital Video Broadcasting Decoders”, *IEEE Transactions on Consumer Electronics*, August 1995), hereinafter referred to as Giachetti, in view of Schooneveld (“Standardization of Conditional Access Systems for Digital Pay Television”, *Philips Journal of Research*, 1996).

Giachetti discloses standards that has been designed by Digital Video Broadcasting (DVB) project in Europe, and the technology regarding Conditional Access systems that

incorporates a common interface and detachable modules, such as smart cards (Giachetti, Abstract).

Regarding claim 1, Giachetti discloses, a method of operating a conditional access network wherein providers distribute valuable contents over the network and end-users are allowed to access such valuable contents in function of individual access rights, wherein valuable contents are made available to the end-users by way of a plurality of different conditional access systems (Giachetti, Abstract, pg.837 left column 3rd paragraph – right column 4th paragraph, pg.838 left column, fig.2, fig.4), the method comprising the steps of:

configuring a generic conditional access component having a basic functionality common to all conditional access systems and a plurality of particular conditional access systems, said plurality of particular conditional access systems being preloaded but initially disabled (Giachetti, Abstract, pg.837 left column 2nd paragraph – right column 4th paragraph, fig.4, pg.838 left column 1st-6th paragraph, pg.840 right column 2nd-5th paragraph.);

providing the generic conditional access component to an end-user (Giachetti, Abstract, pg.837 left column 2nd paragraph – right column 4th paragraph, fig.4, pg.838 left column 1st-6th paragraph, pg.840 right column 2nd-5th paragraph.);

inserting a smart card comprising a conditional access identification; identifying a particular preloaded conditional access system to be used by the conditional access component (Giachetti, Abstract, pg.837 left column 2nd paragraph – right column 4th paragraph, fig.4, pg.838 left column 1st-6th paragraph, pg.840 right column 2nd-5th paragraph.);

acquiring by the conditional access component of a license related to the identified particular preloaded conditional access system; loading said license into the conditional access

component; and enabling the particular preloaded conditional access system by the conditional access component after successful verification of the license by the conditional access component (Giachetti, Abstract, pg.837 left column 2nd paragraph – right column 4th paragraph, fig.4, pg.838 left column 1st-6th paragraph, pg.840 right column 2nd-5th paragraph. Giachetti discloses that the smart card/detachable security device contains secret keys and stores the entitlement of the customer.).

Although Giachetti discloses the above features, Giachetti fails to disclose the license authorization in more detail. Schooneveld discloses the standardization of conditional access systems for digital pay television, wherein high level of commonality further studied (Schooneveld, Abstract). Schooneveld further discloses the use of common platform in decoder boxes (aka set-top boxes), and the use of smart cards, wherein he card will only issue the secret key when authorized via various known methods, such as transmission of EMMs, ECMs, etc. (Schooneveld, pg.218-219. Authorization, licensing is disclosed.). It would have been obvious to one of ordinary skill in the art to modify the teachings of Giachetti with those of Schooneveld to utilize licensing authorization methods such as transmission of EMMs, ECMs, etc. One would have been motivated to do so, since as disclosed by Schooneveld, this was a popular/standardized method utilized in digital video broadcasting systems at the time the invention was made.

Regarding claim 2, Giachetti and Schooneveld disclosed the limitations, as described in claim 1, and further discloses the use of digital transport stream that contains Entitlement Management Messages (EMMs) (Schooneveld, pg.218-219. Authorization, licensing is disclosed.).

Regarding claim 4, Giachetti and Schooneveld disclosed the limitations, as described in claim 3, and further discloses, a method wherein the valuable contents in the transport stream are scrambled, each conditional access component has a descrambler adapted to process a scrambled transport stream into a clear transport stream, and the descrambler is enabled or disabled in function of a successful or unsuccessful verification, respectively, of the access rights (Giachetti, Abstract, pg.837 left column 2nd paragraph – right column 4th paragraph, fig.4, pg.838 left column 1st-6th paragraph, pg.840 right column 2nd-5th paragraph.) (Schooneveld, pg.218-219).

Regarding claim 5, Giachetti and Schooneveld disclosed the limitations, as described in claims 1 to 4, and further discloses, a method wherein each conditional access system has an associated application for execution by the conditional access component (Giachetti, Abstract, pg.837 left column 2nd paragraph – right column 4th paragraph, fig.4, pg.838 left column 1st-6th paragraph, pg.840 right column 2nd-5th paragraph.) (Schooneveld, pg.218-219).

Regarding claim 8, Giachetti teaches, a conditional access component for use in a conditional access network wherein a provider distributes valuable contents over the network and end-users are allowed to access such valuable contents in function of individual access rights defined by a user license, wherein said component comprises a first software module embedding a basic functionality common to a plurality of different conditional access systems used in the network, said module allowing a particular identified conditional access system to be enabled subject to successful verification of a license therefor, a plurality of specific application software, each constituting a particular conditional access system in conjunction with the basic functionality a non-volatile memory for storing said plurality of preloaded specific application software, said particular conditional access systems being initially disabled in the non-volatile

memory, a smart card inserted into said component, means on said smart card for identifying a particular conditional access system, means in the conditional access component for acquiring a license for the particular identified preloaded conditional access system, and means in said conditional access component for selectively enabling the particular identified preloaded conditional access system subject to a successful verification of the corresponding license (Giachetti, Abstract, pg.837 left column 2nd paragraph – right column 4th paragraph, fig.4, pg.838 left column 1st-6th paragraph, pg.840 right column 2nd-5th paragraph.).

Although Giachetti discloses the above features, Giachetti fails to disclose the license authorization in more detail. Schooneveld discloses the standardization of conditional access systems for digital pay television, wherein high level of commonality further studied (Schooneveld, Abstract). Schooneveld further discloses the use of common platform in decoder boxes (aka set-top boxes), and the use of smart cards, wherein he card will only issue the secret key when authorized via various known methods, such as transmission of EMMs, ECMs, etc. (Schooneveld, pg.218-219. Authorization, licensing is disclosed.). It would have been obvious to one of ordinary skill in the art to modify the teachings of Giachetti with those of Schooneveld to utilize licensing authorization methods such as transmission of EMMs, ECMs, etc. One would have been motivated to do so, since as disclosed by Schooneveld, this was a popular/standardized method utilized in digital video broadcasting systems at the time the invention was made.

Regarding claim 10, Giachetti and Schooneveld disclosed the limitations as described in claim 8, and further discloses, a conditional access component wherein the valuable contents are

distributed in a digital transport stream that contains Entitlement Management Messages "EMMs" specific to each conditional access system (Schooneveld, pg.218-219)

8. Claims 3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Giachetti et al. ("A Common Conditional Access Interface for Digital Video Broadcasting Decoders", *IEEE Transactions on Consumer Electronics*, August 1995), hereinafter referred to as Giachetti, in view of Schooneveld ("Standardization of Conditional Access Systems for Digital Pay Television", *Philips Journal of Research*, 1996), in further view of Kamperman et al., hereinafter Kamperman ("Conditional access system interoperability through soft downloading", *Consumer Electronics, IEEE*, Feb 2001).

Regarding claim 3, Giachetti and Schooneveld teaches the limitations, as described in claim 2, and further discloses the method of claim 2, however, fails to disclose a filter unit for filtering out EMMs.

Kamperman discloses a method wherein each conditional access component includes a filter unit for filtering out the specific EMMs of conditional access systems (Kamperman, p.47 Right Column: 2nd paragraph, p.49 Left Column: 3rd paragraph, Fig.2 ("ECM, EMM Section Filter" component). According to Kamperman, EMMs are filtered out of the data stream.) enabled on the component and a verifier unit for the verification of access rights defined by the filtered specific EMMs (Kamperman et al. p.48 Right Column: 2nd paragraph. Kamperman discloses that the filtered out EMMs are used for authorizing the use of a key for every separate conditional access system, for determining the access rights of the user.).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Giachetti and Schooneveld to include a filter unit as taught by Kamperman. One would be motivated to do so to filter out the EMMs accordingly from the data stream and conduct verification for determining the access rights of the user.

Conclusion

9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to EDWARD J. KIM whose telephone number is (571)270-3228. The examiner can normally be reached on Monday - Friday 7:30am - 5:00pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Saleh Najjar can be reached on (571) 272-4006. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Edward J Kim/
Examiner, Art Unit 2455
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